

PETITION TO INTERVENE & ORDER

This form is to be used when there is already a custody case and a third party (grandparent or other relative) wishes to join. A copy of the current Custody Order MUST be attached to your Petition.

COMPLETE STEP-BY-STEP INSTRUCTIONS ARE ON PAGE 2.

IN ADDITION TO THE PETITION TO INTERVENE, YOU MUST ALSO FILE:

- a custody complaint if there is **NO** existing Custody order OR
- a modification petition if there **IS** an existing Custody order.

BEFORE YOU TAKE THESE PAPERS TO COURT, YOU MUST GIVE THE OTHER PARTIES AT LEAST 3 BUSINESS DAYS' NOTICE

The purpose is to let them know the date you are going to go to Court. They have a right to be there.

1. Give or mail (both regular and certified) them, or their lawyers, the **"Notice of Intention to Present"** which tells them what day and time you will be going to Court. **You do not need an appointment.** If both parties attend when you present the papers, you will get a quicker hearing date.

On the **Notice of Intention to Present** form, if you give/mail the other party the papers on a

1. Monday or Friday, you would write the date for the following Thursday
2. Tuesday or Wednesday, you would write the date for the following Monday
3. Thursday, you would write the date for the following Tuesday

2. **You must also give/mail the other parties COPIES of all the forms below (after you fill them in) that have an *. Keep the originals of all forms to take to Court.**

You MUST complete ALL of the forms in this packet, which include:

- ***Notice of intention to Present –**
- ***Petition to Intervene Custody Order cover sheet** - this must include the case number and the party names as they were on the original Custody Order (i.e. the plaintiff is always the plaintiff and defendant is always the defendant, regardless of who is filling out the Petition)
- ***Petition to Intervene**
- ***Verification**
- **Order – ONLY** complete the top section of this form, the Judge will complete the rest
- **Proof of Service and Acceptance of Service –** do nothing with these papers until you get to Step 8 of the instructions.
- **Notice to incarcerated parent –** If a parent is presently incarcerated, ask library staff for this form and include it with the complaint.

AFTER giving 3 business days' notice, take the forms to Custody Motions Court in Courtroom #5, Monday, Tuesday and Thursday, excluding Court holidays. Be there no later than 8:45 a.m. You must also give the Judge a copy of the current Custody Order.

REMEMBER -THERE IS A DRESS CODE IN THE COURTROOM, ALL CELL PHONES MUST BE COMPLETELY OFF & YOUR FORMS MUST BE IN NUMERICAL ORDER WHEN YOU GO TO COURT.

Please note that the law librarian, staff of the Beaver County Law Library, staff of the Juvenile Services Division, staff of the Court Administrator's Office and the Judge's Law Clerk are neither qualified nor permitted to assist persons in the preparation or filing of child custody documents or to provide legal advice or assistance of any kind on child custody or any other legal matters.

LITIGANTS ARE STRONGLY ENCOURAGED TO CONSULT WITH AN ATTORNEY.

SUMMARY OF STEPS

Before you go to Court:

1. Complete the forms in INK, not pencil. Incomplete forms may be refused.
2. Photocopy all of the paperwork (except the Proof of Service and Acceptance of Service forms) and send or give it to the other parties along with the Notice of Intention to Present **THREE BUSINESS DAYS BEFORE** you present the Petition to the Judge. The date you write on this form is the day you plan to deliver the documents to Court. It must be at least 3 business days away and must be a Monday, Tuesday, or Thursday. If both parties attend when you present the Petition, you will get a quicker hearing date.
3. **YOUR FORMS MUST BE IN NUMERICAL ORDER WHEN YOU GO TO COURT.**

In Court:

4. Take **completed** forms to Motions Court, Courtroom #5, Second Floor of the Courthouse, **no later than 8:45 a.m. any Monday, Tuesday or Thursday.** Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn.
5. The Judge will sign the petition and assign a hearing date, if needed. You will then receive a clocked copy of the Order and the original will be returned to you.
6. Get your paperwork from the Law Clerk.

After you leave Court:

7. **FILE** the papers in the Prothonotary's Office (1st floor).
After you have presented your motion to the Judge you must file all of the original documents that you gave to the Judge with the Prothonotary's office.
8. **SERVE** the other party with the Order signed by the Judge. This means you give or mail the other party copies of all the papers that you gave to the judge.
 - a. If you choose to hand deliver the documents, you must have the other Party sign an **Acceptance of Service** form. You **MUST FILE** the Acceptance of Service in the Prothonotary's office after it is signed.
 - b. If you serve the other party by mail you must send the documents by **both Regular mail and Certified mail.** Complete the Proof of Service form by making check marks on the line before both regular and certified mail. Make a photocopy. File it with the Prothonotary. After you receive the

green card verifying certified mail, staple the green card to the Proof of Service and file it again with the Prothonotary.

9. FILE either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done. **MAKE AND KEEP A COPY FOR YOURSELF.**

10. Bring a copy of the Proof of Service or Acceptance of Service that you filed in the Prothonotary's office to ALL later hearings, conferences and/or trials.

Note: When filling out the forms--parties must be identified as Plaintiff or Defendant as they are listed on the *original* custody Complaint, regardless of who is filing the Petition. The person filing the petition is the *Petitioner*; the other party is the *Respondent*.

IMPORTANT INFORMATION

NOTICE:

Giving Notice means that you send or give the other party the Notice of Intention to Present and copies of the documents you will be presenting to the judge. If the other party has a lawyer, you give the notice to the lawyer instead of the party.

If you are filing to intervene, you **MUST** give the ALL other parties (i.e. both parents) advance notice **BEFORE** you go to Court.

If there is a PFA, you may send the legal paperwork but do NOT include any other letters, notes, etc. If it is a true emergency, you may have a family member or friend call or hand deliver copies of the notice. Only in extreme emergencies will the Judge accept oral notice.

If you do not know where the other party lives, you must read PA Rules of Court # 430 & #1930.4 and Beaver County Local Rule # 430 and follow the required procedures.

**** Always keep a copy of the Proof of Service documents for your records and **ALWAYS** bring the Proof of Service forms to all Conciliation Conferences, Pre-Trial Conferences and/or Hearings/Trials in Court.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA**

_____, Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
	:	
_____, Defendant.	:	

NOTICE OF INTENTION TO PRESENT

TO: _____

(name & address of the other party)

Please take notice that I intend to present the attached Motion/ Petitions on (date)_____ at 8:45 a.m, Courtroom No. 5, Beaver County Courthouse, Beaver, PA. If you wish to oppose the requested relief or action, you should appear at that time and present your objections to the court.

Date _____

Petitioner

CERTIFICATION OF SERVICE

I hereby certify that I have caused to be served a true and correct copy of the attached on the above named defendant at least 3 business days prior to the date of presenting the Motion by way of (check all that apply):

_____	regular mail
_____	certified mail
_____	hand delivery

Petitioner

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

CIVIL DIVISION

_____	:	No. _____
Plaintiff,	:	Civil Action- Law
	:	
vs.	:	Type of Pleading:
	:	Petition for Leave to Intervene
	:	
	:	Filed on behalf of:
_____	:	_____
Defendant	:	
	:	
	:	(Your Name)

Filing Party's Information: (Your Name)

Name: _____

Address: _____

Telephone #: _____

**In the Court of Common Pleas of Beaver County
Pennsylvania**

	:	
	:	
Plaintiff	:	
	:	
vs.	:	
	:	No. _____
	:	
	:	
Defendant	:	

PETITION FOR LEAVE TO INTERVENE

1. The petition of _____ (*your name*) respectfully represents that on (*date*) _____ an Order of Court was entered regarding custody of (*child/ren's name/s*) _____. A true and correct copy of the current custody Order is attached to this Petition.

2. The Mother is _____
residing at _____
(*provide full address*) (Street)

(City) (Zip Code) (County) (Phone Number)

3. The Father is _____
residing at _____
(*provide full address*) (Street)

(City) (Zip Code) (County) (Phone Number)

4. The Petitioner is _____

residing at _____

(provide full address)

(Street)

(City)

(Zip Code)

(County)

(Phone Number)

5. The relationship of Petitioner to the child(ren) is that of _____.

6. Petitioner seeks (custody)(partial custody)(visitation) *(circle one)* of the following child(ren):

Name

Present Residence

(provide full address)

Date of Birth

Age

_____.

7. The child(ren) is/are presently in the custody of _____,

who resides at _____.

(Street)

(City)

(State)

8. The Petitioner currently resides with the following persons:

Name

Relationship

9. Petitioner believes it is necessary to intervene in this matter because:

_____.

10. The best interest and permanent welfare of the child will be served by granting the relief requested because: *(Set forth facts showing that the granting of the relief requested will be in the best interest and permanent welfare of the child).*

11. Petitioner is/ is not *(circle one)* **aware of a pending custody trial. If yes, the trial is scheduled for** _____ **(Date)**

12. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child have been named as parties to this action. All other persons, named below, who are known to have or claim a right to custody or visitation of the child will be given notice of the pendency of this action and the right to intervene:

(Complete this section if the child has resided with any adult other than the natural parent during the last six months).

Name	Address <i>(give full address)</i>	Basis of Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____

13. Please state the following:

a. Did the child/children live with you? _____

b. If yes, state the dates the child/children have lived with you:

c. Are the natural parents of the *(circle one)*:

Married Separated Divorced Never Married

d. Is one of both of the natural parents deceased? Yes No

If yes, which parent is deceased? _____

Date of death: _____

WHEREFORE, Petitioner requests the court to grant approval to intervene.

Petitioner

VERIFICATION

I, _____, verify that the statements made in this Petition for Custody are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Petitioner

Date: _____

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA**

CIVIL DIVISION

_____, Plaintiff	:	
	:	
vs.	:	No. _____
	:	
_____, Defendant.	:	

ORDER

AND NOW, this _____ day of _____, it is hereby ORDERED that a Rule to Show Cause why the relief requested should not be granted. The Rule is returnable on the _____ day of _____, 201____, at _____ o'clock _____.m. in the Prothonotary's Office, Beaver County Courthouse, Beaver, Pennsylvania. A hearing on the Rule is scheduled for the _____ day of _____, 201____, at _____ o'clock _____.m. in Courtroom No. ____, Beaver County Courthouse, Beaver, Pennsylvania, to determine whether _____ has the standing to intervene in this custody action.

BY THE COURT

J.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA**

CIVIL DIVISION

_____	:	
Plaintiff	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant,	:	
	:	
vs.	:	
	:	
_____	:	
Intervener.	:	

ORDER

AND NOW, this _____ day of _____,
201__, it is hereby ORDERED that the Petition for Leave to Intervene filed by
_____ is granted/denied.

_____ is permitted to participate as a party
in this custody action. The caption shall be amended as to add _____
as an Intervener.

BY THE COURT

J.

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

PROOF OF SERVICE

I _____ (*your name*), hereby certify that I delivered a
copy of the (*name of document*)

_____ to

_____ (*name of party*) on

_____ (*date*), at _____ o'clock p.m./a.m. Delivery was made

by (check all that apply):

_____ regular mail

_____ certified mail

_____ hand delivery

DATE

PETITIONER

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

ACCEPTANCE OF SERVICE

I accept service of the _____ (*name of document*). I
certify that I am authorized to accept service on behalf of defendant.

DATE

DEFENDANT OR AUTHORIZED AGENT

MAILING ADDRESS

Note: If defendant accepts service personally, the second sentence should be deleted.